



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

January 29, 2026

Ms. Angel Drobnica, Chair
North Pacific Fishery Management Council
1007 West 3rd Ave., Suite 400
L92 Building, 4th floor
Anchorage, Alaska 99501

Dear Ms. Drobnica:

The National Marine Fisheries Service (NMFS) has reviewed the Council's October 3, 2025, motion recommending rulemaking regarding the maximum retainable amount (MRA) requirements. NMFS would like to provide the Council with an update on the approach we plan to take to draft proposed regulations that clearly and directly flow from the provisions of the Council motion relative to Alternative 6, which deals with medical emergencies, mechanical emergencies, or poor weather that ends a fishing trip.

Before Council final action, we requested clarification from the Council on how to determine and define the specific thresholds for which types of mechanical, medical, and weather emergencies warrant an exemption from MRA requirements. As indicated in Section 2.6 of the September 2025 review draft Analysis¹ (Analysis), we requested additional clarity on what constitutes a: 1) medical emergency, 2) a mechanical emergency, and 3) poor weather that would warrant granting an exemption to the MRA requirements, but such details were not included in the Council's motion. The Council also did not provide clear guidance on how to determine that a fishing trip ended sufficiently early that an exemption from the MRA requirements would be appropriate.

Absent specific direction from the Council, below is our intended approach to implement these exemptions in regulation to move this action forward as recommended by the Council, including Alternative 6.

Medical and mechanical emergencies

With regard to the medical and mechanical emergencies on page 58 and 59 of the Analysis, absent further direction from the Council, we plan to draft regulations that rely upon the US Coast Guard (USCG) marine casualty reporting requirements to define the circumstances for medical and mechanical emergencies that would trigger a vessel to qualify for an exemption from MRA requirements.

¹ Available under Agenda Item C1 MRA Adjustments at: <https://meetings.npfmc.org/Meeting/Details/3095>.



Proposed regulations would include a process for vessel operators to notify NMFS when they end a trip early for medical and mechanical emergencies as defined in USCG Marine Casualty reporting regulations at 46 CFR 4.05-1(a).

Poor weather emergencies

With regard to an exemption for poor weather, NMFS identified in the Analysis several challenges to the successful development of a fair standard that would create a meaningful distinction between a weather emergency and routinely encountered poor weather for all Federal fisheries subject to MRA regulations. A standard that is too broad might encourage an operator to make a subjective claim of poor weather whenever it would make business sense to do so. On the other hand, and as explained in Section 4.5 of the Analysis, a specific, measurable, and verifiable standard could require a complex assessment of a number of variables including the vessel seaworthiness, weather conditions, and operating conditions for nearly all Federal fisheries off Alaska. Given these complexities and the lack of additional guidance from the Council to clarify how to distinguish situations of “poor weather” that should result in an exemption from MRA regulations versus common poor weather that is routinely dealt with by all fishery participants, we intend to take the following approach.

Rather than establishing a complex evaluation of weather and operating conditions (which may affect vessels of different sizes and designs to differing degrees), we plan to create a simple process for vessel operators to report early termination of trips due to poor weather. This approach would establish a limited set number (2) of weather-related exemptions that a vessel operator can use each year if they affirm that poor weather required the operator to end the trip early. This would allow vessel operators the ability to evaluate when to end a trip early due to poor weather and use the weather exemption from the MRA requirements. This approach would continue to rely on the doctrine of good seamanship (which requires prudent trip planning and consideration of weather conditions by vessel operators) and also provide a limited exemption in the event that an unexpected or unpredictable weather-related circumstance necessitates the early termination of a trip.

NMFS plans to draft proposed regulations to provide a process for vessel operators to notify NMFS when they end a trip early due to poor weather and use an allotted weather exemption. Unlike for medical and mechanical emergencies, we would propose allowing only two weather exemptions per year.

How to determine when a vessel operator ends a trip early

A key part of using an emergency exemption is to document that the trip has ended sufficiently early to warrant an emergency exemption. Documentation could include, but is not limited to, evidence that less fishing occurred than was planned or is normal for that vessel, such as communications regarding expected trip duration or offload timing (showing actual return to port is earlier than planned). We would propose that a vessel operator submit documentation or an affidavit supporting that their trip ended early in order to be granted an exemption.

This approach would provide for limited exemptions to MRAs, per the Council’s October 2025 motion and the Analysis. We recognize that there are many potential ways to provide these exemptions while still maintaining functional MRAs, including different ways for NMFS to

independently verify when a trip has been terminated early (to prevent the use of an exemption when a vessel has completed most or all of their previously planned fishing activity). NMFS has not developed or analyzed alternate approaches, and in the absence of further guidance from the Council, this is the approach we plan to take to keep the MRA proposed rule moving forward.

Next steps

If the Council supports this described approach to drafting regulations to implement Alternative 6 along with the rest of the MRA action, no additional Council action is necessary. NMFS will draft regulations to implement the entire final action in the October 2025 motion, including Alternative 6 as outlined in this letter, and will provide a draft to the Chair and Executive Director for review. Alternatively, the Council could schedule this topic for consideration at a future Council meeting to provide additional recommendations to NMFS regarding the MRA emergency exemptions.

Sincerely,



Jonathan M. Kurland
Regional Administrator